

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton; and
Robert G. Taub

West Leyden Post Office
West Leyden, New York

Docket No. A2011-96

ORDER AFFIRMING DETERMINATION

(Issued January 19, 2012)

I. INTRODUCTION

On December 15, 2011, the Postal Service advised the Commission that it “will delay the closing or consolidation of any Post Office until May 15, 2012.”¹ The Postal Service further indicated that it “will proceed with the discontinuance process for any Post Office in which a Final Determination was already posted as of December 12, 2011, including all pending appeals.” *Id.* It stated that the only “Post Offices” subject to closing prior to May 16, 2012 are those that were not in operation on, and for which a Final Determination was posted as of, December 12, 2011. *Id.* It affirmed that it “will not close or consolidate any other Post Office prior to May 16, 2012.” *Id.* at 2. Lastly, the Postal Service requested the Commission “to continue adjudicating appeals as provided in the 120-day decisional schedule for each proceeding.” *Id.*

¹ United States Postal Service Notice of Status of the Moratorium on Post Office Discontinuance Actions, December 15, 2011, at 1 (Notice).

The Postal Service's Notice outlines the parameters of its newly announced discontinuance policy. Pursuant to the Postal Service's request, the Commission will fulfill its appellate responsibilities under 39 U.S.C. § 404(d)(5).

On September 28, 2011, the Town of Lewis, Town Board in the Village of West Leyden, New York (Petitioner) filed a petition with the Commission seeking review of the Postal Service's Final Determination to close the West Leyden post office in West Leyden, New York (West Leyden post office).² The Final Determination to close the West Leyden post office is affirmed.

II. PROCEDURAL HISTORY

On September 30, 2011, the Commission filed Order No. 889, which established Docket No. A2011-96 to consider the appeal, designated a Public Representative, and directed the Postal Service to file its Administrative Record and any responsive pleadings.³ The order also directed the Public Representative to file his comments by December 7, 2011.

On October 13, 2011, the Postal Service filed the Administrative Record with the Commission.⁴ The Postal Service filed comments requesting that the Commission affirm its Final Determination.⁵ Petitioner also filed a participant statement supporting their Petition on November 2, 2011.⁶

² Petition for Review received from the Town of Lewis/Village of West Leyden, New York regarding the West Leyden, New York post office 13489, September 28, 2011 (Petition).

³ Order No. 889, Notice and Order Accepting Appeal and Establishing Procedural Schedule, September 30, 2011.

⁴ The Administrative Record is attached to the United States Postal Service Notice of Filing, October 13, 2011 (Administrative Record). The Administrative Record includes, as Item No. 47, the Final Determination to Close the West Leyden, NY Post Office and Extend Service by Rural Route Service. (Final Determination).

⁵ United States Postal Service Comments Regarding Appeal, November 22, 2011 (Postal Service Comments).

⁶ Participant Statement received from the Town Board of the Town of Lewis, November 2, 2011 (Participant Statement).

On December 30, 2011, the Public Representative filed comments urging the Commission to remand the closure decision to the Postal Service.⁷

III. BACKGROUND

The West Leyden, New York post office provides retail postal services and service to 165 post office box customers. Final Determination at 2. There are also 138 delivery customers being served through this post office. The West Leyden post office, an EAS-13 level facility, has retail access hours from 7:30 a.m. to 11:30 a.m. and 1:00 p.m. to 4:45 p.m., Monday through Friday, and 8:30 a.m. to 11:30 a.m. on Saturday, with lobby hours from 7:30 a.m. to 5:00 p.m., Monday through Friday, and 8:30 a.m. through 11:30 a.m. on Saturday. *Id.*

The postmaster position became vacant on January 1, 2009, when the postmaster retired. A non-career postmaster relief was installed as an officer-in-charge (OIC) to operate the post office. Retail transactions average 21 transactions daily (26 minutes of retail workload). Post office receipts for the last 3 years were \$44,260 (115 revenue units) in FY 2008; \$40,481 (106 revenue units) in FY 2009; and \$41,807 (109 revenue units) in FY 2010. There is one permit or postage meter customer. By closing this post office, the Postal Service anticipates savings of \$40,882 annually. *Id.* at 11.

After the closure, retail services will be provided by the Boonville post office located approximately 7 miles away.⁸ Postal Service Comments at 3. Delivery service will be provided by rural carrier through the Boonville post office. *Id.* The Boonville post office is an EAS-18 level post office, with retail hours of 8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 5:00 p.m., Monday through Friday, and from 9:00 a.m. to 12:00 p.m. on

⁷ Public Representative Comments Supporting Remand, December 30, 2011 (PR Comments). These comments were accompanied by a motion for late acceptance. Motion of the Public Representative for Late Acceptance of Comments, December 30, 2011. The Public Representative's motion is granted and his comments are accepted for filing.

⁸ MapQuest estimates the driving distance between the West Leyden and Boonville post offices to be approximately 7.6 miles (11 minutes driving time).

Saturday. *Id. at 2.* Two-hundred-thirty-eight (238) post office boxes are available at the Boonville post office. *Id.* The Postal Service will continue to use the West Leyden name and ZIP Code for West Leyden customers. *Id. at 10, Concern No. 2.*

IV. PARTICIPANT PLEADINGS

Petitioner. Petitioner is composed of four councilmen and the Supervisor from the Town of Lewis, New York.⁹ Petition at 4. Petitioner opposes the closure of the West Leyden post office on a number of grounds. First, Petitioner questions the procedural steps taken by the Postal Service in closing the West Leyden post office. Participant Statement at 2, 3. Second, Petitioner contends that the Postal Service has not adequately documented that if the West Leyden post office is closed there will be a maximum degree of effective and regular postal service to stakeholders served currently by the West Leyden post office. *Id. at 2.* Third, Petitioner asserts that closure of the West Leyden post office will adversely affect the community. *Id. at 4.* Finally, Petitioner questions the economic analysis used to compute the cost savings and, in that connection, argues that the retirement of the former postmaster was improperly used as a reason to close the post office. *Id.*

Postal Service. The Postal Service contends that the Commission should affirm its determination to close the West Leyden post office. Postal Service Comments at 2. The Postal Service believes the appeal raises four main issues: (1) the impact on the provision of postal services; (2) the impact upon the West Leyden community; (3) the calculation of economic savings expected to result from discontinuing the West Leyden post office; and (4) procedural issues. *Id. at 1.* The Postal Service asserts that it has given these and other statutory issues serious consideration and concludes that the determination to discontinue the West Leyden post office should be affirmed. *Id. at 1-2.*

⁹ The five signatories to the Petition are Town of Lewis officials. The Town of Lewis is the governing Town Board in the Village of West Leyden, New York. *Id. at 1.*

The Postal Service explains that its decision to close the West Leyden post office was based on several factors, including:

- the postmaster vacancy;
- a minimal workload;
- low and decreasing office revenue;
- a variety of other delivery and retail options (including the convenience of rural delivery and retail service);
- no projected population, residential, commercial, or business growth in the area;
- minimal impact on the community; and
- expected financial savings.

Id. at 14.

The Postal Service asserts that it has followed all statutorily required procedures and has addressed the concerns raised by Petitioner regarding the effect on postal services, the effect on the West Leyden community, the effect on postal employees, and economic savings. *Id.* at 15-16. The Postal Service contends that it will continue to provide regular and effective postal services to the West Leyden community when the Final Determination is implemented. *Id.* at 16.

Public Representative. The Public Representative contends that the Postal Service's records for closing the West Leyden post office are a "chaotic mess". PR Comments at 2. The Public Representative argues the organization of the Administrative Record raises serious questions as to whether the Postal Service paid any attention to customer concerns. *Id.* at 1-2. The Public Representative recommends remanding this matter due to questions as to whether the Postal Service adequately addressed customer concerns. *Id.* at 2.

V. COMMISSION ANALYSIS

The Commission's authority to review post office closings is provided by 39 U.S.C. § 404(d)(5). That section requires the Commission to review the Postal Service's determination to close or consolidate a post office on the basis of the record that was before the Postal Service. The Commission is empowered by section 404(d)(5) to set aside any determination, findings, and conclusions that it finds to be (a) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (b) without observance of procedure required by law; or (c) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does not, however, authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.

A. Notice to Customers

Section 404(d)(1) requires that, prior to making a determination to close any post office, the Postal Service must provide notice of its intent to close. Notice must be given 60 days before the proposed closure date to ensure that patrons have an opportunity to present their views regarding the closing. The Postal Service may not take any action to close a post office until 60 days after its determination is made available to persons served by that post office. 39 U.S.C. § 404(d)(4). A decision to close a post office may be appealed within 30 days after the determination is made available to persons served by the post office. 39 U.S.C. § 404(d)(5).

The Administrative Record indicates the Postal Service took the following steps in reaching its Final Determination. On May 3, 2011, the Postal Service distributed questionnaires to customers regarding the possible change in service at the West Leyden post office. Final Determination at 2. A total of 300 questionnaires were distributed to delivery customers. Other questionnaires were made available at the retail counter. A total of 118 questionnaires were returned. On May 12, 2011, the

Postal Service held a community meeting at the West Leyden post office lobby to address customer concerns. Thirty-five (35) customers attended. *Id.*

The Postal Service posted the proposal to close the West Leyden post office with an invitation for comments at the West Leyden and Boonville post offices from May 28, 2011 through July 29, 2011. *Id.* The Final Determination was posted at the same two post offices from August 25, 2011 through September 26, 2011. Administrative Record, Item No. 49.

Petitioner argues that the Postal Service's responses to concerns of community members are "canned responses [that] failed to take into account the nuances of the various concerns...." Participant Statement at 3. The Public Representative's criticisms of the Administrative Record and the related suggestion that the Postal Service has failed to give serious consideration to customer concerns are supported by a number of examples. PR Comments at 1-8.

The Postal Service responds to Petitioner's complaint about "canned responses" by asserting that although the Administrative Record contains answers which may be "standard" responses to similar concerns raised by customers in other post office closing cases, those Postal Service answers are responsive to the concerns raised by the stakeholders here. Postal Service Comments at 15-16. In addition, the Postal Service notes that the Administrative Record is very extensive and consists of hundreds of customer comments and the Postal Service's responses to customer feedback. *Id.* For these reasons, the Postal Service argues that its decision to close the West Leyden post office was done by an independent inquiry.

The Postal Service's use of standardized responses to customer concerns does not, by itself, render its decision to close a post office legally deficient. Administrative necessity limits the ability of the Postal Service to prepare particularized responses to the nuanced objections made by large numbers of customers. The issue is whether the responses, whether or not they are standardized, adequately respond to the concern being expressed. In this case, the Postal Service's responses, while not entirely beyond criticism, are adequate enough to avoid the remand requested by Petitioner.

The criticisms presented by the Public Representative are not without substance. The Administrative Record is, to say the least, seriously disorganized. Such disorganization is not only an impediment to the parties' presentation of their cases, but to the Commission's ability to resolve relevant issues in a timely and efficient manner. Careful review of the Administrative Record has nevertheless demonstrated that the essential elements of the Administrative Record are present in this case.¹⁰

¹⁰ Two items in the Administrative Record of central importance are Item No. 22 (which contains customer questionnaires and Postal Service responses to those questionnaires) and Item No. 38 (which, according to the Administrative Record Index, contains customer comments and Postal Service responses). While the Postal Service's responses to customer questionnaires are grouped together and physically separated from returned customer questionnaires, the responses are, with minor exceptions, included in the same order as the questionnaires. *Compare* Administrative Record, Item No. 22, .pdf pages 39-296 *with* .pdf pages 297-419; and Administrative Record, Item No. 38, .pdf pages 453-482 *with* .pdf pages 541-555. These latter groups of customer questionnaires and Postal Service responses should have been included in Administrative Record, Item No. 22, but appear to have been mistakenly included in Administrative Record, Item No. 38. The remaining documentation in the Administrative Record, Item No. 38, consists of customer comments and Postal Service responses. Customer comments are included at .pdf pages 504-540. Postal Service responses to customer comments are included at .pdf pages 556-573 and pdf pages 483-503. Once again, the Postal Service's responses are generally included in the same order as customer comments.

Perhaps more importantly, documentation in the Administrative Record supports the Postal Service's claim that it has given adequate consideration to the customers' concerns.¹¹

The Postal Service has satisfied the notice requirements of 39 U.S.C. § 404(d).

B. Other Statutory Considerations

In making a determination on whether or not to close a post office, the Postal Service must consider the following factors: the effect on the community; the effect on postal employees; whether a maximum degree of effective and regular postal service will be provided; and the economic savings to the Postal Service. 39 U.S.C. § 404(d)(2)(A). The Postal Service must also comply with the provisions of 39 U.S.C. § 101(b), which prohibits closing any small post office solely for operating at a deficit.

Effect on the community. West Leyden, New York is an unincorporated community located in Lewis County, New York. Final Determination at 9. The community is administered politically by a Town supervisor. The Lewis County Sheriff's

¹¹ While the Postal Service's organization of Administrative Record Item Nos. 22 and 38 makes comparison of customer questionnaires and comments with Postal Service responses administratively cumbersome, the method of organization does not prohibit such comparisons. For example, the Public Representative cites two comments from Ms. Kimberly MacDougall and three Postal Service responses in questioning whether the Postal Service responses address the issues raised in the comments. PR Comments at 2. The two comments at issue address the risk to mail from snowplows that strike rural mailboxes, the distance to the replacement post office, the effect of the post office closing on the community, and hardships to disabled individuals. Administrative Record, Item No. 38 at 38, 43 (.pdf pages 511, 516). The three Postal Service responses addressed security of mail delivered in rural mailboxes, the requirement of travelling to another post office, the effect on the community, and the impact on disabled individuals. *Id.* at 90, 92, 97 (.pdf pages 564, 566, 571). While not perfect, the Postal Service's responses are adequate. It should also be noted that these issues were also addressed in the Final Determination. *Id.* Item No. 47 at 2, Concern No. 3 (impact of snow); at 4, Concern No. 11 (effect on disabled); Concern No. 12 (effect on community); at 7-8, Concern No. 15 (travel to another post office); at 9, Concern No. 20 (damage to mailboxes by snowplows). The second example offered by the Public Representative involves a comparison of a Postal Service response to a questionnaire submitted by Petitioner. The Public Representative argues that there appears to be no connection between the concerns expressed and the responses made by the Postal Service. PR Comments at 2. The Commission agrees that the connection between the points made in the questionnaire and the Postal Service's response is, at best, tenuous, and at worst, non-existent. However, the concerns expressed in the questionnaire were addressed in the Final Determination. Administrative Record, Item No. 47 at 8-9, Concern No. 18 (purchasing stamps by mail or from the carrier); at 10, Concern No. 5 (purchasing stamps at partner businesses).

Department provides police protection. Fire protection is provided by the West Leyden Fire Department. The community is comprised of retirees, farmers, self-employed, and those who work in nearby communities or local businesses. *Id.* Residents may travel to nearby communities for other supplies and services. *See generally* Administrative Record, Item No. 22 (returned customer questionnaires and Postal Service response letters).

As a general matter, the Postal Service solicits input from the community by distributing questionnaires to customers and holding a community meeting. The Postal Service met with members of the West Leyden community and solicited input from the community with questionnaires. In response to the Postal Service's proposal to close the West Leyden post office, customers raised concerns regarding the effect of the closure on the community. Their concerns and the Postal Service's responses are summarized in the Final Determination. Final Determination at 9-10.

A number of customers are concerned that the community could lose its identity in the absence of the West Leyden post office. *Id.* at 10, Item No. 23. However, West Leyden's name and ZIP Code will be preserved. In addition, only customers who elect to close their post office boxes will be required to change their address. Postal Service Comments at 11. The Postal Service also notes that community residents may continue to meet and share information at other businesses, churches, and residences in town, as well as at the Boonville post office. *Id.*

Since the Postal Service is preserving both the West Leyden name and ZIP Code, and there are other places to meet, these concerns have been addressed.

Some customers were concerned that they would not receive effective postal services after the closure. Communities generally require regular and effective postal services. The Postal Service has made provisions so that postal services will continue to be provided.

Rural route service is also expected to be able to handle any future growth in the community. Postal Service Comments at 11-12. Government forms previously

provided by the West Leyden post office are available by contacting local government agencies.

The Postal Service has adequately considered the effect of the post office closing on the community as required by 39 U.S.C. § 404(d)(2)(A)(i).

Effect on employees. The Postal Service states that the West Leyden postmaster retired on January 1, 2009 and an OIC has operated the West Leyden post office since then. *Id.* at 2; Final Determination at 2. It asserts that after the Final Determination is implemented, the temporary OIC will either be reassigned or separated and that no other Postal Service employee will be adversely affected.

The Postal Service has considered the possible effects of the post office closing on the OIC and has satisfied its obligation to consider the effect of the closing on employees at the West Leyden post office as required by 39 U.S.C. § 404(d)(2)(A)(ii).

Effective and regular service. The Postal Service contends that it has considered the effect the closing will have on postal services provided to West Leyden customers. Postal Service Comments at 5-9. It asserts that customers of the closed West Leyden post office may obtain retail services at the Boonville post office located 7 miles away. Final Determination at 6. Delivery service will be provided by rural carrier through the Boonville post office. *Id.* The West Leyden post office box customers may obtain Post Office Box service at the Boonville post office, which has 238 post office boxes available. *Id.* at 3.

For customers choosing not to travel to the Boonville post office, the Postal Service explains that retail services will be available from the carrier. *Id.* at 5-8. The Postal Service adds that it is not necessary to meet the carrier for service since most transactions do not require meeting the carrier at the mailbox. *Id.* at 8.

Customers question the convenience of the Boonville post office for residents and businesses that used the West Leyden post office. Participant Statement at 2-4; PR Comments at 4-6. One customer claims that the round trip for her to the Boonville post office is 26 miles. *Id.* at 4. The Postal Service does not dispute the estimated distances, but points out the Postal Service ultimately concluded regular and effective

service will be provided through the Boonville post office and alternate access options. Postal Service Comments at 11.

Petitioner argues that the rural delivery service will not provide the West Leyden community with a maximum degree of effective and regular services. Petitioner Statement at 2; Final Determination at 4, Concern Nos. 11-14. Petitioner states that in a rural community where many people cannot see their mailbox, they will not leave money in their mailbox for the carrier for services. Final Determination at 8, Concern No. 17. The Postal Service responds that it considered Petitioner's concerns about mail security by stating that customers may use various options to obtain postal services, including Post Office Box service at the nearby Boonville post office, or alternative access options including *USPS.Com* or Stamps by Mail®. Postal Service Comments at 7; Final Determination at 8-9.

Petitioner argues that West Leyden is in a snow belt which makes regular and effective service during inclement weather impossible without the West Leyden post office. Petitioner Statement at 2; Final Determination at 4, Concern No. 14. The Postal Service considered the effect that heavy snowfall could have on service. Postal Service Comments at 5; Final Determination at 2, Concern No. 3. The Postal Service's solution would be a combination of services provided at the Boonville post office together with rural carrier service and consideration of a centralized box area. *Id.*

The Postal Service has considered the issues raised by customers concerning effective and regular service as required by 39 U.S.C. § 404(d)(2)(A)(iii).

Economic savings. The Postal Service estimates total annual savings of \$40,882. Final Determination at 12. It derives this figure by summing the following costs: postmaster salary and benefits (\$48,569) and annual lease costs (\$10,412), minus the cost of replacement service (\$18,099), (\$58,981 in annual costs, less \$18,099 in costs for replacement service). Postal Service Comments at 12; Final Determination at 11.

Petitioner notes that there will be an increased cost for rural delivery and a loss of income due to the loss of rent from the 165 West Leyden post office boxes currently

being rented. *Id.* The Postal Service responds that the carrier service would be more effective than maintaining the postmaster position. Postal Service Comments at 8.

Petitioner asserts that the calculations of the estimated savings are misleading. Participant Statement at 2. Petitioner notes that the amounts saved are based on the salary and benefits of a postmaster rather than the OIC, who receives a lower salary and no benefits. *Id.*

However, the Postal Service points out that the economic savings calculation conducted as a part of a discontinuance study looks forward. Postal Service Comments at 13. The Postal Service's analysis is that though it may have paid less in salary and benefits in the past, this does not mean that it could count on those savings annually in the future. The Postal Service notes the West Leyden post office closing will eliminate one career slot for a Postmaster's salary. If the West Leyden post office is not closed and the career position not eliminated, it would have ultimately been filled. Therefore, the Postal Service will save the salary and benefits of a career postmaster position. *Id.*

The Commission has previously observed that the Postal Service should include in its estimate of savings those costs likely to be eliminated by the closing. The West Leyden post office postmaster retired on January 1, 2009. Final Determination at 2. The post office has since been staffed by a non-career OIC who, upon discontinuance of the post office, may be separated from the Postal Service. *Id.* at 11. The postmaster position and the corresponding salary will be eliminated. See Postal Service Comments at 13 (“[T]he economic savings calculation conducted as a part of a discontinuance study is forward-looking;....If the West Leyden post office closes, one career slot will be eliminated. If the post office is not discontinued, that slot would have been filled with a career employee, and the salary and benefits to be paid would have been the figures shown in the Final Determination for a postmaster.”). See *also, e.g.*, Docket No. A2011-67, United States Postal Service Comments Regarding Appeal, October 24, 2011, at 13; Docket No. A2011-68, United States Postal Service Comments Regarding Appeal, November 2, 2011, at 10. Furthermore, notwithstanding that the West Leyden post office has been staffed by an OIC for approximately 2 years, even assuming the

use of the presumably lower OIC salary, the Postal Service would have satisfied the requirements of section 404(d)(2)(A)(iv). The Postal Service has satisfied the requirement that it consider economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv).

Section 101(b). Section 101(b) prohibits closing any small post office solely for operating at a deficit. Petitioner alleges that the Postal Service is closing the West Leyden post office solely for economic reasons. Participant Statement at 2

First, the Petitioner contends that the West Leyden post office was not operating at a deficit and instead showed a profit of \$1,373.00 for the fiscal year ending on June 30, 2011. Petition at 3.

The Commission does recognize that economics may play a role in the Postal Service's decision. However, the Commission is not prepared to conclude that the Postal Service's determination violates section 101(b). In addition to considering workload at the West Leyden post office (revenues declining and averaging only 21 retail transactions per day), the Postal Service took into account other factors such as the postmaster vacancy, the minimal impact on the community, and expected financial savings. Postal Service Comments at 4. In addition, it considered the alternate delivery and retail options available to customers. *Id.*; Final Determination at 2-12.

The Postal Service did not violate the prohibition in section 101(b) on closing the West Leyden post office.

VI. CONCLUSION

The Postal Service has adequately considered all requirements of 39 U.S.C. § 404(d). Accordingly, the Postal Service's determination to close the West Leyden post office is affirmed.

It is ordered:

The Postal Service's determination to close the West Leyden, New York post office is affirmed.

By the Commission.

Shoshana M. Grove
Secretary

DISSENTING OPINION OF CHAIRMAN GOLDWAY

The Administrative Record is inaccurate with regard to economic savings. As such, the Postal Service has not adequately considered economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv).

The Postal Service argues that savings should be calculated based on a full-time postmaster's salary. Yet, the West Leyden post office has been operated by a non-career postmaster relief (PMR) serving as an officer-in-charge (OIC) since the former postmaster retired on January 1, 2009. On the one hand, the Postal Service argues that the effect on employees of this closing will be minimal because only an OIC will be eliminated; yet on the other hand, it argues that the savings should be calculated using a full-time position.

Also, the Postal Service already claims billions of dollars in savings from reducing labor costs. The savings from substituting OIC's in postmaster positions throughout the nation has already been included in those billions. Counting the savings of a full postmaster salary is in effect double counting. There are inherent and blatant contradictions in the Administrative Record that must be corrected on remand.

It is not the statutory responsibility of the Commission to correct the Administrative Record for the Postal Service and certainly not to make its own surmise about what and/or whether there would be savings if accurate data was in the Administrative Record. Therefore, the decision to close should be remanded to the Postal Service to correct the Administrative Record and present a more considered evaluation of potential savings.

This post office operates at a profit. A more accurate estimate of the potential economic savings from closing it could show that the Postal Service would lose money by this closing. The Commission recently issued an advisory opinion (in Docket No. N2011-1) detailing how the Postal Service's process for selecting post offices for

closure does not necessarily identify the optimum choices. This appears to be the case in this selection. On remand, the Postal Service ought to determine whether this post office would be part of a true optimization plan.

Furthermore, many customers raised concerns stemming from the significant amounts of snowfall received by West Leyden during the winter, and how this affects both customers' ability to get to a distant post office and the practicality of roadside rural delivery boxes. The Administrative Record reflects only rote answers to these specific concerns. Neither does the Administrative Record suggest that adequate responses were provided to the four local officials who contacted the Postal Service and objected to the closure. Such an expression of concern from the very people who are responsible for the day-to-day operations of the local area indicates that community concerns have not been adequately addressed.

In his comments, the Public Representative found that the Administrative Record is poorly documented, and evidences that customer concerns were not addressed. Upon review of the Administrative Record, I must agree with the Public Representative's observations. Thus, the Administrative Record does not show that the Postal Service has sufficiently considered the issues raised by customers concerning effective and regular service as required by 39 U.S.C. § 404(d)(2)(A)(iii).

Moreover, the Postal Service recently announced a moratorium on post office closings. It is confusing and perhaps unfair to require some citizens whose post offices have received a discontinuance notice as of December 12, 2011 to gather evidence and pursue an appeal to the Commission, while others whose post offices were in the review process, but had not yet received a discontinuance notice by December 12, 2011 have the respite of a 5-month moratorium.

The citizens of West Leyden, New York and their concerns regarding the loss of a neighborhood post office should be afforded the same opportunity to be heard and considered as the citizens of the approximately 3,700 post offices fully covered by the moratorium.

Ruth Y. Goldway

DISSENTING OPINION OF VICE CHAIRMAN LANGLEY

The Postal Service did not adequately consider the economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv). The Postal Service should take into consideration that since January 2009, a non-career postmaster relief (PMR) has been in charge of this facility, not an EAS-13 postmaster. The PMR's salary and benefits should be reflected in the Postal Service's cost savings analysis.

As a government entity, the Postal Service should ensure that its cost/benefit analysis accurately identifies capturable cost savings and does not overstate savings.

I find that the Postal Service's decision to discontinue operations at the West Leyden post office is unsupported by evidence on the Administrative Record and thus, should be remanded.

Nanci E. Langley